

## OFFICIAL COPY

Fresno, California

February 1, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Dan Hobbs, City Manager  
 Andy Souza, Assistant City Manager  
 Hilda Cantu Montoy, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Pastor Tom Sims of the Baptist Temple Church gave the invocation, and Councilmember Perea led the Pledge of Allegiance.

## SPCA PET OF THE MONTH - COUNCILMEMBER BOYAJIAN

The pet of the month up for adoption -- a Border Collie/Shepherd mix -- was showcased.

## PROCLAMATION OF "NATIONAL BLACK/HIV AIDS AWARENESS AND INFORMATION DAY" - COUNCILMEMBER STERLING

Read and presented.

----

**APPROVE MINUTES:**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, **RESOLVED**, the minutes of January 25, 2005, approved, *as amended*, on Page 145-32, relative to Item 2-B, adding an additional comment by Councilmember Calhoun to the first sentence in the third paragraph as follows: "the many illegal/non-conforming signs throughout this city that have been illegal for some time". Councilmember Calhoun also stated he wanted a time line (month and year) included in the motion so that the incorporation of the sign ordinance revisions into the pending comprehensive Zoning Ordinance update process is not stretched out. Brief discussion ensued, Councilmember Westerlund clarified a time line was not part of the motion he made, and it was determined Councilmember Calhoun could schedule that issue on an upcoming agenda.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:****(1-H) BILL NO. B-6 - ADOPTING CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY OF FRESNO, PURSUANT TO FMC SECTION 10-1601**

Councilmember Duncan noted lengthy discussion/clarification occurred at the last meeting on the reason for this ordinance and on the fact that everything the city has done has been 100% legal; stated Channel 30 ran a story encouraging people to contact legal counsel to challenge all the speeding tickets they received in the past because of this ordinance adoption; spoke to the many challenges of the city and specifically the unacceptable level of traffic fatalities within the city limits and the reductions since that problem was aggressively attacked by staff; stated Channel 30's story was reckless and irresponsible, he was very disappointed that they would lend themselves to this level of sensationalism journalism, and the media had a responsibility to check the facts; and stated people received speeding tickets because they were breaking the law, the tickets would stand, and asked them to not waste their time challenging the tickets.

**145-35****2/1/05****DISTRICT 2 BLIGHT - COUNCILMEMBER CALHOUN**

Councilmember Calhoun displayed pictures of blight (a trailer with graffiti, piles of junk, and a boarded-up vacant building–The Coyote Club) in various areas W. Shaw, Golden State Blvd., and Freeway 99, and expressed his concern and stated that blight did not deserve to exist and to the public stated Council cared and was doing everything possible along with staff to make these things "no-nos". Councilmember Boyajian spoke to hard it has been to get things done on vacant/blighted buildings and stated the ordinance needed to be made stronger and elaborated. After the following request by Councilmember Perea, City Manager Hobbs and Code Enforcement Manager Villa stated the properties referenced were being addressed by staff and a status report would be submitted to Council.

**REQUEST FOR ACTIVE "SLUM PROPERTY" LIST - COUNCILMEMBER PEREA**

Councilmember Perea requested staff develop a list of slum properties, if they have not done so already, as he wanted to actively enforce substandard housing, with Code Enforcement Manager Villa responding.

**REQUEST FOR UPDATE REPORT ON CONVENTION CENTER PRIVATIZATION RELATIVE TO SAVINGS - PRESIDENT DAGES**

Request made with Assistant City Manager Souza responding and stating a report would be coming forth the first or second week in March. President Dages directed staff to schedule the matter on the March 8<sup>th</sup> agenda.

- - - -

**APPROVE AGENDA:****(3-C) APPROVE COUNCIL ZOO COMMITTEE RECOMMENDATION FOR APPOINTMENTS TO THE CHAFFEE ZOO NON-PROFIT BOARD - COUNCILMEMBER BOYAJIAN**

Councilmember Duncan stated he appreciated the hard work of the committee but he felt the process that was undertaken needed to be more open to the Council and the public and requested a one week delay so the committee could submit a more detailed report on the process and the criteria that was used. A motion and second was made to continue the matter one week.

Councilmembers/Committee members Boyajian and Sterling stated Council was told last week about the process/criteria/number of applicants/how the people were selected and added the process was also posted on web sites, and stated the process/task was a difficult one, good people applied and good choices were made, and questioned why the process was being scrutinized now.

A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to continue Item 3-C one week for a more detailed report failed, by the following vote:

Ayes :	Calhoun, Duncan, Westerlund
Noes :	Boyajian, Perea, Sterling, Dages
Absent :	None

**(1-A) RESOLUTION - APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS FROM THE BICYCLE TRANSPORTATION ACCOUNT AND APPROPRIATING MATCHING FUNDS**

Removed from the agenda by staff.

**ITEMS 3-C (ZOO BOARD APPOINTMENTS) AND 2-B (GRANITE PARK) - PRESIDENT DAGES**

President Dages stated Item 3-C would be heard right after adoption of the Consent Calendar, and Item 2-B would be heard at 9:20 a.m. for citizen convenience.

**(3-A) RESOLUTION - OPPOSING PRESIDENT BUSH'S 2006 BUDGET PROPOSAL GREATLY REDUCING CDBG FUNDING IN THE CITY OF FRESNO - COUNCILMEMBER PEREA**

City Clerk Klisch advised the correct title was: *"REQUESTING THE PRESIDENT OF THE UNITED STATES NOT CUT FUNDING FOR THE CDBG PROGRAM"*. So noted and corrected.

145-36

2/1/05

**(3:00 P.M.) REDEVELOPMENT AGENCY CONSENT CALENDAR ITEMS "A" AND "B"**

City Clerk Klisch advised the items were *not* subject to the Mayor's veto and should not have been "asterisked", and clarified they were being presented by the RDA and not the public works department. So noted.

**(2 - 0)** On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, *as modified*, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

- - - -

**ADOPT CONSENT CALENDAR:**

Councilmember Westerlund pulled Item 1-C for discussion at 2:00 p.m.

**(1-B) RESOLUTION NO. 2005-33** - APPROVING A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR FREEWAY 180 WEST FROM THE HUGHES/WEST DIAGONAL TO MARKS AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

**(1-D)** APPROVE THE SALE OF AN ABANDONED WATER WELL SITE TO THE ADJACENT OWNERS, PUMP STATION NO. 216, APN 426-121-17T, LOCATED BETWEEN 342 W. HOLLAND AND 420 W. HOLLAND, FOR A TOTAL PRICE OF \$1,100 AS PROPOSED, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT DIRECTOR TO EXECUTE ALL APPROPRIATE DOCUMENTS TO COMPLETE THE TRANSACTION

**(1-E)** APPROVE THE ACQUISITION OF A STREET EASEMENT FROM APN 433-060-11 AT 3206 N. BRAWLEY AVENUES, OWNED BY BUN MA AND NANKEO JAN NHUN-MA, FOR THE APPRAISED VALUE OF \$14,100, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY, OTHER RELATED DOCUMENTS AS NECESSARY, AND ACCEPT THE DEED OF EASEMENT FOR PUBLIC STREET PURPOSES

**(1-F)** APPROVE AN AGREEMENT BETWEEN THE AIRPORTS DEPARTMENT AND GCR & ASSOCIATES, INC. IN THE AMOUNT OF \$180,750 FOR PURCHASE OF A PROPERTY AND REVENUE MANAGEMENT SYSTEM

**(1-G)** APPROVE AMENDMENT NO. 1 TO THE CONSULTING SERVICES AGREEMENT WITH CSHQA IN THE AMOUNT OF \$561,262, FOR THE DESIGN OF THE NEXT PHASE OF TERMINAL IMPROVEMENTS AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT, AND AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN THE AMENDMENT

**(1-H) BILL NO. B-6 - ORDINANCE NO. 2005-8** - ADOPTING CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF SPEED ZONES DESIGNATING SPEED LIMITS FOR VARIOUS STREETS WITHIN THE CITY OF FRESNO, PURSUANT TO FMC SECTION 10-1601 (*\*NOTE - Comments on this item were made earlier by Councilmember Duncan under "Councilmember Reports and Comments"*)

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

- - - -

**(3-C)** APPROVE COUNCIL ZOO COMMITTEE RECOMMENDATION FOR APPOINTMENTS TO THE CHAFFEE ZOO

## NON-PROFIT BOARD - COUNCILMEMBER BOYAJIAN

145-37

2/1/05

Councilmember/Committee member Boyajian thanked the other committee members and their staff for their work on the issue stating the task was not taken lightly, stated criteria was set because it was known people would be critical of any appointment made, spoke to the criteria, what was looked at, and the process that was undertaken adding the committee wanted to make it honest and non-political, stated the two people being recommended were well qualified and the committee was very impressed with their oral interview/presentation, and thanked all that applied stating they were all good people who really care about the zoo.

Kevin Hall spoke to the by-laws, the need for council to continue to make appointments to the board, and the need to give direction on what form of government council wanted.

President Dages advised council received a letter from the Mayor announcing his appointment of Sharon Levy to the board.

Councilmember Calhoun stated he supported the original proposal of the Mayor making all three appointments and his worry of the public display of personalities and the process was now bearing out; stated he shared concerns expressed earlier by Councilmember Duncan and added one week ago he did not know who the appointees were going to be or what questions had been asked; spoke to the need for Council to be careful and do this right; clarified he did not know the people being recommended and advised he supported appointing Ms. Rainwater due her background/experience but had a concern with Ms. Manning Cartwright due to her lack of city involvement and added the two recommended alternates were well qualified; and stated he wanted to vote on each recommendation separately and made a motion to appoint Shari Rainwater to the Zoo Non-Profit Board, which motion was seconded by Councilmember Boyajian (who later withdrew his second).

Councilmember/Committee member Sterling assured Council things would be done properly and explained, stated it was disheartening to split the vote, and asked the two individuals being recommended to speak to the council about themselves and added after hearing from the two council would understand why the committee was recommending they be appointed.

Shari Rainwater and Sheri Manning Cartwright spoke to their background/experience, qualifications, interest in serving, and their vision for the zoo.

Councilmember Westerlund thanked the committee for their work and the two candidates for attending, stated the zoo was very important to him and he wanted the city's representatives to be the best and be accountable to the people of the city and county who are funding the zoo, advised he seconded the earlier motion to lay the matter over because he wanted to meet with both the candidates, and concurred with Councilmember Calhoun that there was no need to rush and made a motion to table the matter one week so he could meet with the two to get a better level of comfort. Upon call, the motion died for lack of a second.

Councilmember/Committee member Perea stated two fantastic candidates were being recommended who would do a great job and represent the city very well, stated Mr. Hall made some good points and concurred council needed to publicly discuss the by-laws and how council would actively participate in the future, and acknowledged the motion on the floor but stated he wanted to make an alternate motion to approve the committee's recommendation and appoint both candidates if the original motion does not pass or if the maker or second would be willing to withdraw their motion/support. Upon question, Councilmember Calhoun stated he would not withdraw his motion. Councilmember Boyajian withdrew his second to Councilmember Calhoun's motion and seconded Councilmember Perea's motion.

Councilmember Calhoun stated he would now have to oppose the motion, stressed he did not like the process and was very disappointed that council was being forced to vote on both candidates at once, and stated individual votes should have been taken.

President Dages commended the committee for all the time and energy spent on the matter adding it was not easy, and Councilmember Boyajian thanked council for giving him and the committee the responsibility.

On motion of Councilmember Perea, seconded by Councilmember Boyajian, duly carried, RESOLVED, the committee's recommendations hereby approved and Shari Rainwater and Sheri Manning Cartwright appointed to the Chaffee Zoo Non-Profit Board, with John Valentino and Gerald Lyles approved as first and second alternates respectively, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Calhoun

Absent : None

----

145-38

2/1/05

**(2-B)** REQUEST COUNCIL RECONSIDER ACTION TAKEN ON DECEMBER 21, 2004, RELATING TO GRANITE PARK, AND CONSIDER RESCINDING RES. 2004-479 WHICH (1) APPROVED AN ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE ZONE SPORTS CENTER, LLC, AND THE GRANITE PARK KID'S FOUNDATION RELATING TO A 42-ACRE RETAIL COMPLEX AND ADJACENT SPORTS FIELD, (2) APPROVED THE PRIMARY TERMS OF A CONTINGENCY PURCHASE AGREEMENT BETWEEN THE CITY AND BANK OF THE WEST RELATING TO THE SPORTS FIELD, AND (3) AUTHORIZED THE EXECUTION AND DELIVERY OF THE AGREEMENTS AND DOCUMENTS AND TAKING OF ALL NECESSARY ACTIONS RELATING TO THE TRANSACTIONS - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian clarified he has always supported Granite Park; noted after the decision was made information came forth relating to the appraisal, the partnership and whether there was some discontent, finding out the World Sports Café would not be out there, and revenue stream in case of a default that concerned him and he needed to look at and obtain information on those matters; and stated after talking with staff and project officials he now had a better understanding of what was going to happen.

Controller/Finance Director Quinto spoke briefly to the issue and stated she learned a valuable lesson relative to how much information staff provides to Council.

Brief discussion ensued on whether a motion was going to be made to reconsider the matter and/or if there were any other council concerns, with Councilmember Boyajian stating he might want to ask more questions of the developer--Mr. Barbis. Councilmember Calhoun stated Councilmember Boyajian needed to make a motion to reconsider and see if it is approved and clarified discussion/questions should not be allowed as without a motion and action to reconsider the item was not formally before council. A motion and second was made to reconsider the matter. Councilmember Calhoun stated he was not interested in reconsidering, Councilmember Duncan stated he hoped Councilmember Boyajian would get his questions answered and then withdraw his motion so council could move on to item 2-C, and Councilmember Perea concurred with Councilmembers Calhoun and Duncan stating this project was going to have a tremendous impact on the quality of life for many people in the inner-city. Councilmember Sterling noted she also had an opportunity to talk with staff and Mr. Barbis on the project and the financing, and added Mr. Barbis talked with parks and recreation about using the Southwest Sports Complex for some major tournaments as Granite Park was already full.

Councilmember Calhoun noted a motion was on the floor to reconsider, clarified if it is approved council would have to vote on the old item again without hearing Item 2-C and there was the potential for something going south, and stated he was opposed to the motion as it would open up the proverbial pandora's box. Councilmember Boyajian stated this was a complex financial agreement and he just wanted to ask the developer some questions, whereupon City Attorney Montoy recommended the motion be voted upon. Councilmember Westerlund stated he also had questions on the agreement and they were answered by staff and added he would not support reconsidering the matter and urged council to move on to the next item.

**(3 - 0)** A motion of Councilmember Boyajian, seconded by Councilmember Sterling, to reconsider council action taken on 12/21/04, failed, by the following vote:

Ayes : Boyajian, Sterling, Dages  
 Noes : Calhoun, Duncan, Perea, Westerlund  
 Absent : None

----

**(2-C)** CONSIDER APPROVAL OF A CONTINGENT DEBT PURCHASE AGREEMENT BETWEEN THE CITY OF FRESNO AND BANK OF THE WEST RELATING TO GRANITE PARK

**1. RESOLUTION NO. 2005-34** - AMENDING RES. 2004-479 AND APPROVING A CONTINGENT DEBT PURCHASE AGREEMENT BETWEEN THE CITY AND BANK OF THE WEST THAT IS A CONDITION TO A \$5,200,000 LOAN FROM BANK OF THE WEST TO THE GRANITE PARK KID'S FOUNDATION, A 501(c)(3), WHICH LOAN WILL BE SECURED BY A DEED OF TRUST ON APPROXIMATELY 20 ACRES OF DEVELOPED SPORTS FIELDS, AND AUTHORIZING THE

EXECUTION AND DELIVERY OF THE AGREEMENT AND DOCUMENTS AND TAKING ALL NECESSARY ACTIONS RELATING TO THE TRANSACTIONS, SUBJECT TO THE CONCURRENT EXECUTION OF THE ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE ZONE SPORTS CENTER, LLC, AND THE GRANITE PARK KID'S FOUNDATION RELATING TO THE SPORTS FIELD AND ADJACENT RETAIL COMPLEX PROPERTY

**145-39**

**2/1/05**

Controller/Finance Director Quinto reviewed the issue as contained in the staff report as submitted and recommended the agreement be approved and the resolution adopted, and responded briefly to questions of Councilmember Duncan relative to whether the change in the primary terms would strengthen the position of the city, why the change was necessary, and if staff was comfortable with the change.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-34 hereby adopted, and officers of the City authorized to negotiate any minor changes and enter into the agreement for the City, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund
Noes :	Dages
Absent :	None

----

**(9:15 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY MARINA MAGDALENO, REPRESENTING LOCAL 39, REGARDING CHANNEL 30's NEWS STORY ON CITY OF FRESNO CONTRIBUTIONS FOR HEALTH INSURANCE FOR BLUE COLLAR EMPLOYEES, AND EXPRESSING CONCERN WITH COUNCIL ASKING THE CITY TO DIVERT THE PAYMENTS TO A TRUST FUND

Ms. Magdaleno submitted written material to council on the contributions and annual reports, expressed concern with diverting the funds stating it would cause blue collar employees and their families to lose their health insurance, and stated any claims by the City that they do not know how the money was being spent were disingenuous as all information had been provided. There was no discussion and no action.

----

**(9:30 A.M.) STAFF REPORT AND REQUEST FOR DIRECTION ON CITY OF FRESNO SUSTAINABLE (GREEN) BUILDING POLICIES**

Supervising Planner Unruh reviewed the issue at length, all as contained in the staff report as submitted, and Planner Gerster gave an overview of the LEED (Leadership in Energy and Environmental Design) Certification Program.

Councilmember Perea recognized and commended the task force and involved staff and members of the public for all their work, input and support, stated if council moves forward on this today it would be a major shift in the City's energy policy, spoke to what the City has spent on energy the past couple of years and to the significant reduction in costs if a green building policy is adopted citing the Municipal Service Center solar project and other cities' solar projects; and spoke in support of Option 4 stating it was the most progressive and would send a major signal that the City was serious about air quality and made a motion to approve Option 4, which motion was seconded by Councilmember Sterling.

Speaking in support of a green building policy and/or to related issues were: Jon Dougal; George Berman, Unitarian Universalist Church, speaking on behalf of the private sector; Jeff Roberts, Granville Hones; Kevin Hall; Warren Thompson, Architect; and Tom Marihart, Lemoore, CA.

Lengthy discussion ensued. Councilmember Calhoun spoke to his personal experience in organic/green building and spoke to trends and a Wall Street Journal article on the subject, reading portions into the record and displaying materials on the overhead, and upon his request Public Works Director Healey spoke to his experience in this area and to the challenges the city would face as it moves forward, stated Option 4 was aggressive, a big step, and the City would need to get the community actively involved, and advised he favored Option 3. Councilmember Calhoun stated he agreed with Mr. Healey that education was needed, added the City needed to be

careful and not get itself in a situation where it would have to back off, and stated this was a complicated process and he was uncomfortable with Option 4 (**4 - 0**). Councilmember Duncan stated the city was headed in the right direction, questioned what the expected additional costs were (with Mr. Healey responding), clarified this was a potential policy, it would apply only to city-funded public buildings and would not mandate the private sector, stated he also preferred Option 3 clarifying the City needed to gain experience and knowledge, questioned if there were any buildings in the works over 10,000 square fee (with Assistant City Manager Souza responding), and requested Councilmember Perea consider Option 3 so it would get a unanimous vote, send an important message to the community, and give staff clear direction.

**145-40**

**2/1/05**

Councilmember Perea stated one important point he left out which would make this work was that PG&E had been at the table the entire time, it offered a program called "Savings by Design" in which PG&E would act as the energy consultant for the city for free, and it would offer money to do the required upgrades; relative to the options concurred Option 3 was good but it was not as aggressive as he would like it to be; stated Councilmember Duncan raised a good point relative to square footage of buildings and questioned what an ideal building size would be to include more buildings, with Mr. Healey and Mr. Souza responding; and stated he wanted to ensure maximum benefit of the policy and amended his motion exclude the 10,000 square foot portion of Option 4 and added direction to pursue the FRESNO GREEN label in terms of developing an incentive program for private developers to also engage in building green, which amendments were accepted by the second-maker.

Councilmember Boyajian stated Option 3 seemed more aggressive, noted Option 4 seemed to talk about state buildings, and presented questions relative to how the new appellate court would be dealt with adding there was already a problem with cost overrides, if staff would be able to educate the community, if staff was going to look at costs analysis, if criteria was already set for cost effectiveness, and building preservation and demolition and meaning of "viable" buildings, with Mr. Unruh responding throughout. Councilmember Boyajian stated he wanted clarification on when vacant buildings could be demolished and added he did not know if the city was ready for Option 3 or 4.

Councilmember Duncan stated he had a concern with the addition to the motion relative to pursuing the FRESNO GREEN label for private development stating the City did not need to subsidize good business practices that were already occurring, and added he would oppose the motion if that part remained. Councilmember Westerlund stated he could not support the motion due to cost consequences and Mr. Healey's testimony, and stated this was a good direction to go but there was much more to learn and he would have supported Option 3.

A motion of Councilmember Perea, seconded by Councilmember Sterling, to approve Option 4 excluding the 10,000+ square foot requirement, and directing staff to pursue the FRESNO GREEN label in terms of developing an incentive program for private developers to also engage in building green failed, by the following vote:

Ayes :	Perea, Sterling, Dages
Noes :	Boyajian, Calhoun, Duncan, Westerlund
Absent :	None

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Option 3, a policy directing all departments to include green/smart building specifications when developing bid proposals hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

-----

**RECESS - 11:21 A.M. - 11:31 A.M.**

**(10:00 A.M.) QUARTERLY PROGRESS REPORT ON THE WEST FRESNO WORK GROUP ON IMPLEMENTING THE RECOMMENDATIONS OF THE WEST FRESNO COMMUNITY VISION PLAN - COUNCILMEMBER STERLING**

Councilmember Sterling gave an overview of the issue and spoke to the progress made on implementing the recommendations contained in the vision plan, all as contained in the memorandum to Council as submitted.

Proceedings were briefly interrupted for the following ceremonial presentation.

ADD ON (SURPRISE) PROCLAMATION FOR JOHN BUSH FOR "OPERATION SOLDIER" - COUNCILMEMBER DUNCAN

Read and presented.

Proceedings continued on the 10:00 A.M. item.

Speaking to the issue were: Keith Kelly, Fresno West Coalition Work Group member, who thanked Council for their support and making the plan a reality; and Barbara Hunt, who spoke to southwest Fresno boundary issues and concerns **(5 - 0)**.

**145-41**

**2/1/05**

Councilmember Calhoun stated he was very impressed with the report and progress. Assistant City Manager Souza stated staff was excited to be a part of this process and clarified pocket parks were called a low priority in this plan only and they were still a very high priority throughout the community. Councilmember Sterling commented briefly and thanked involved staff and groups for all their work and support.

----

**LUNCH RECESS - 11:58 A.M. - 2:00 P.M.**

**(11:00 A.M.)** REQUEST PRESENTATION AND INFORMATION FROM CITY MANAGER ON THE NEW PERFORMANCE-BASED PAY FOR MANAGERS AS OUTLINED AND REQUESTED IN THE STAFF REPORT - COUNCILMEMBER CALHOUN

Laid over one week at the direction of Councilmember Calhoun.

----

**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-C) APPROVE THE AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE AND ESCROW INSTRUCTIONS FOR THE SALE OF 17+/- ACRES OF CITY-OWNED LAND AT THE SOUTHWEST CORNER OF HERNDON AND BRAWLEY AVENUES**

Councilmember Westerlund presented questions and comments relative to the structure of the purchase contract, if the purchase was contingent upon the buyer getting a rezone, land sale conditions, if there was a time frame in which requirements would have to be dealt with, portion of the proceeds going towards paying down the bond debt and where the balance of the funds would go, why the bond debt was not being completely paid down, if the issue was reviewed by the Controller and if it should have gone through the controller's office, if the \$1.8 million balance would come back to council to decide its use, and need for the entire purchase amount to go towards paying off the debt, with Senior Real Estate Agent Balch, President Dages, Public Works Director Healey, Assistant City Manager Souza and Controller/Finance Director Quinto responding throughout.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the agreement for purchase and sale of real estate and escrow instructions for the sale of 17+/- acres of city-owned land at the southwest corner of Herndon and Brawley Avenues hereby approved, and the public works director authorized to execute the agreement, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

City Attorney Montoy clarified the use of the \$1.8 million must and would come back to council.

----

**(10:45 A.M.) RESOLUTION NO. 2005-35 - 428<sup>TH</sup> AMENDMENT TO MFS RES. 80-420 MODIFYING FIRE INSPECTION FEES**



Chief Bruegman reviewed the background and the issue, all as contained in the staff report as submitted.

Steve Newvine, Chamber of Commerce, read a statement from the Chamber in support of Chief Bruegman's request.

Councilmember Duncan stated the department would get the additional inspectors but his issue was how to pay for them; spoke to the history of the issue, to the original change to ensure people who pay for inspections were equitable to those who create the problem and require a reinspection, and to his concern now that businesses doing the right thing would be subsidizing those doing the wrong thing; spoke to the fee and questioned when businesses would be charged, with Chief Bruegman responding; and stated businesses already pay enough taxes and made a motion to direct staff to bring back the necessary documents to hire the eight inspectors along with identified funding from non-public safety general fund sources, which motion was seconded by Councilmember Perea.

**145-42**

**2/1/05**

Lengthy discussion ensued. City Manager Hobbs stated this matter was here today because council asked staff to re-review it, and stated Councilmember Duncan was correct in his definition of equity but the Chief was using a different definition of equity and inequity and explained, with Councilmember Duncan responding. Councilmember Westerlund stated adding fees/taxes was a very serious issue and presented questions relative to the number of businesses not being inspected annually and if the Chief felt this was a public safety issue, with Chief Bruegman responding. Councilmember Westerlund stated there was a sufficient nexus with the number of inspectors and fire safety, stated the Chamber of Commerce supported this and spent a lot of time on the issue and struggled with it themselves, and stated he was willing to support staff's recommendation with the condition that the administration agree there will be no changes in terms of implementing this fee arrangement, i.e., the department would not be defunded or lose any dollars in the future due to this revenue source, with Mr. Hobbs committing to that stating it was very reasonable, it was in line with what has been talked about, and since it was a fee stated it needed to be dedicated to this particular activity.

Councilmember Calhoun spoke in opposition to the "unreasonable" motion stating that would be reaching into other departments' budgets; clarified this was a fee for a service being provided and it should be paid by those who benefit from that service, and stressed the cost should not be passed off to others and urged Council to vote "no" on the motion. Councilmember Sterling spoke in support of staff's recommendation and the square footage concept, thanked the Chamber for their involvement and input, spoke to fires in her district and the serious issue of improper and/or untimely inspections, pointed out serious cuts in other departments have already taken place, and spoke to the fire department's needs and the need for these revenues to stay with this activity **(6 - 0)** and urged council to not support the motion.

Mr. Hobbs clarified what was being proposed was a schedule that would produce sufficient revenue to cover the cost of the (\*additional) inspectors and a commitment that the additional revenue would be directed solely to fire inspection and fire inspection-related activity in the fire department. Councilmember Westerlund clarified the revenue would cover the cost of the \*additional inspectors with Mr. Hobbs concurring.

Councilmember Perea stated he also did not want parks and other departments raided and clarified he was supportive of the motion because the general fund was large and he felt the necessary funds could be found within funds budgeted for consultants and from savings from unfilled/vacant positions. Councilmember Duncan suggested staff also look at the improvement in general fund revenues from property, sales and extra business taxes, and added he hoped members would keep their tone professional during strong debates and explained. Councilmember Boyajian spoke to everyone's frustration with the issue and stated he was supportive of staff's recommendation. Mr. Hobbs addressed to the issue of consultant costs and clarified millions have been spent with the majority on engineering firms due to the city being highly understaffed and the due to the number of capital projects that had been occurring, and clarified issues relative to unfilled positions. President Dages stated he would support the motion, stressed general fund dollars were available and explained, stated this was called a fee but in essence it was a tax on businesses and questioned why the city always turns to them when they want to raise money in some way, and stated there had to be another funding mechanism besides the backs of businesses.

A motion of Councilmember Duncan, seconded by Councilmember Perea, to direct staff to bring back necessary documents to hire eight additional inspectors along with identified funding from non-public safety general fund sources failed, by the following vote:

Ayes	:	Duncan, Perea, Dages
Noes	:	Boyajian, Calhoun, Sterling, Westerlund

Absent : None

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-35 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Sterling, Westerlund  
 Noes : Duncan, Perea, Dages  
 Absent : None

----

**(2-A) CONSIDER ADOPTION OF THE EMERGENCY OPERATIONS PLAN (EOP) AND INTRODUCTION OF THE EMERGENCY SERVICES ORDINANCE**

**1. BILL NO. B-7 - AMENDING ARTICLE 27 OF CHAPTER 10 OF THE FRESNO MUNICIPAL CODE RELATING TO EMERGENCY SERVICES**

Chief Bruegman reviewed the issue as contained in the staff report as submitted. Councilmember Sterling commended staff on the issue and made a motion to approve staff's recommendation.

**145-43**

**2/1/05**

Discussion ensued on the succession issue with Councilmember Westerlund stating the Mayor, as the city's only official elected at large, should have a role in the EOP, and Councilmember Boyajian stating he also wanted an elected official in charge and not staff. City Manager Hobbs and City Attorney Montoy responded throughout to questions/comments relative to duties, decision-making authorities, who would prevail in disagreements, assumption of powers, and violations. Councilmember Duncan stated he was comfortable with this plan and would have a concern with the Mayor having the ability/authority to direct staff, and relative to the assistant city managers (ACM) stated the ACM that would take the lead role if necessary needed to be clearly specified, with Ms. Montoy stating that could be done by Administrative Order.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the Emergency Operations Plan (EOP) hereby adopted, and the above entitled Bill No. B-7 introduced before the City Council and laid over, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Dages  
 Noes : Boyajian, Westerlund  
 Absent : None

----

**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: CITY OF FRESNO V. CHERTA FARMS, INC., ET AL., SUPERIOR COURT CASE #02 CE CG 00191**

**(B) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION: CITY OF FRESNO V. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)**

**(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS (LOCAL 39)**

**(D) CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT ODE SECTION 54956.8  
 PROPERTY: PARCELS AT 800 AND 880 "M" STREET  
 UNDER NEGOTIATION: PRICE FOR ACQUISITION AND LEASE OF PROPERTY**

The City Council met in closed session in Room 2125 at the hour of 3:08 p.m. to consider the above issues and reconvened in regular open session at 4:05 p.m.

----

**(3-A) RESOLUTION NO. 2005-36 - REQUESTING THE PRESIDENT OF THE UNITED STATES NOT CUT FUNDING FOR THE CDBG PROGRAM - COUNCILMEMBER PEREA**

Councilmember Perea gave an overview of the issue, spoke to the importance of CDBG funding and those city services that would be impacted by a cut, advised if adopted other organizations would be asked to take similar positions so a push for a state-wide effort could begin, and urged council's support and made a motion to adopt the resolution, which motion was seconded and later acted upon.

Councilmember Calhoun stated he was supportive but felt this needed to be presented in a broader context and suggested the council-adopted resolution on the city's Unemployment State of Emergency be included along with a cover letter signed by the Council President explaining the city's problems, what the city was trying to do, and requesting funding not be cut. Councilmember Boyajian advised he has attended workshops and stated CDBG funds were meant to be leveraged and help the poor with unemployment and housing, and stated his concern with the resolution was the services listed in it were not meant to be funded by CDBG funds and elaborated. Assistant City Manager Souza clarified the use of CDBG funds was a policy decision of the Council, noted the city's annual spending plan (Annual Action Plan) is submitted to and audited by the federal government and all the spending was consistent with the federal guidelines, and stated to imply the city was using the funds against that which CDBG was intended was inaccurate. Councilmember Boyajian disagreed stating the city gives CDBG funds to the police department and code enforcement and elaborated and expressed his concern.

Councilmember Perea stated he would attach the unemployment resolution and letter and added it to the motion, and relative to Councilmember Boyajian's concerns stated he hoped this resolution would get a 7-0 vote because only the funding level was being talked about and not what the funds are spent on.

**145-44**

**2/1/05**

President Dages confirmed a letter and the unemployment resolution would be added, with copies to the Governor and all appropriate legislators.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-36 hereby adopted, along with a cover letter signed by the Council President and the city's Unemployment State of Emergency Resolution as attachments, with copies to be submitted to the Governor and any/all appropriate state legislators, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

----

**(3-B) DIRECTION TO STAFF TO PREPARE A RESOLUTION INITIATING AN AMENDMENT TO THE BUTLER/WILLOW SPECIFIC PLAN TO REMOVE THE PEACH/BUTLER TRAFFIC DIVERTER - PRESIDENT DAGES**

City Attorney Montoy recused herself from the proceedings due to a conflict of interest (she resides in the area), and left the meeting at 4:21 p.m.

President Dages reviewed the issue, stated the diverter had outlived itself and cars were being diverted from in front of schools into neighborhoods, and made a motion to direct staff as outlined above, which motion was seconded and later acted upon.

Speaking to the issue and in opposition to the removal were: Denise Goodman, property owner on Hamilton Avenue, and Sue Williams, Sunnyside Property Owners Association **(7 - 0)**.

Councilmember Calhoun stated he visits the area frequently and expressed his support stating President Dages was heading in the right direction. Councilmember Duncan also stated his support, and noted hard lessons were learned by a diverter in his district, and stated diverters only relocate traffic and do not eliminate it, they do not help traffic flow or air quality, and there were consequences and serious issues associated with diverting traffic. President Dages responded to questions of Councilmember Boyajian on cost for removal, if action this date would only start the process for removal, if neighbors would be noticed and be allowed input, if a traffic study would be conducted, and if the matter would be back before council for public debate.

President Dages clarified (1) there was no intention to widen Butler Avenue, and (2) removing the diverter had always been his intention and he had never hidden it from the Sunnyside Property Owners or anyone else.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to prepare a

resolution initiating an amendment to the Butler/Willow Specific Plan to remove the Peach/Butler traffic diverter, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

----

**(3-D) DIRECT THE ECONOMIC DEVELOPMENT DEPARTMENT (EDD) TO PREPARE MARKETING PLANS - COUNCILMEMBERS STERLING AND WESTERLUND**

- 1. DIRECT THE EDD TO DRAFT AND COMPLETE A MARKETING PLAN FOR THE ROEDING BUSINESS PARK AND RETURN WITH SAID PLAN ON OR BEFORE MARCH 1, 2005**
- 2. DIRECT THE EDD TO DRAFT AND COMPLETE A MARKETING PLAN FOR THE OTHER REGIONAL JOBS INITIATIVE TARGET AREAS: AIRPORT, 99 CORRIDOR AND THE SOUTHERN MARKET AREA, AND RETURN WITH SAID PLANS WITHIN 60 DAYS**

Councilmembers Sterling and Westerlund reviewed the issue, spoke to the need for marketing plans and for questions to be answered prior to attracting a business, and to their frustrations in trying to get something developed, and clarified there would not be a huge cost associated with this and advised staff indicated brochures/literature indicating what parcels are available/what is occupied/what infrastructure was in place, etc., could be developed at a cost of less than \$1,000.

**145-45**

**2/1/05**

Economic Development Director Burkhardt recommended the Downtown area be added to #2, and clarified marketing of Roeding was occurring even though no plan was in place and explained what staff has done.

Councilmember Calhoun commented on the issue at length, stated the RDA and the Mayor/Council Economic Development Task Force was set up to deal with these types of issues; questioned what the Agency was directed to do relative to marketing the Roeding Business Park (RBP), with Interim Agency Executive Director Murphey responding; stated the RBP was not an easy sell, there were hodge-podge pieces out there, and much bigger parcels were needed to land companies or provide expansion opportunities; stated he had a concern with the perception that the city of Fresno was not business friendly and explained; noted the agenda item/title talked about all the areas needing marketing plans and his concern was the impression that the city has been sitting on its hands; spoke to the things the city and agency were doing and to the major upcoming projects and added he did not see where the city was lacking in marketing; and reiterated the item made it look like the city was doing nothing, emphasized the city was the most business friendly as can be, stated city and RDA staff were doing a great job and this item was sending the wrong message, and stated if this motion passes that would be fine but everyone knows the heavy lifting was more than just brochures.

Councilmember Sterling stated land ownership conditions and legal issues were being addressed noting there about 100 land owners out there and they have been included in the process relative to acquiring land; noted another issue was what the development goals were of the current private owners and if they have been included in the process; stated she appreciated hearing what has been going on but stated it disturbed her that during her two year tenure on council questions that were asked had not been answered but acknowledged she was now finally getting the information; and spoke to the need for communication and getting information to her adding RBP was in her district and was important to her citing the high unemployment rate.

Mr. Burkhardt, Ms. Murphey and Assistant City Manager Souza responded at length to questions and/or comments of Councilmembers Duncan and Boyajian relative to what information would be included in the marketing plans, if the master developer was asked to do what staff was planning to do, what the annexation of parcels meant to the RBP, if staff could provide an update report on the annexation issue in two weeks relative what needs to be done to expedite annexation, if Running Horse and RBP were being marketed together, past concern that RBP was standing on its own, **(8 - 0)** investors interested in investing/lack of staff to help them/and perception of the city not caring, and concurrence that things are happening but there always being a need to do better.

Councilmember Westerlund stated he felt there was a communication issue here, clarified he was not asking for full-blown marketing and he understood there was an RFP out there and hoped there would be taker, and reiterated his problem was when someone comes in who is interested in investing there is no written material/information that can be given out telling people what is out there and stated that was business-unfriendly. Councilmember Perea questioned what exactly it would take to get RBP to work/what needed to be done to get businesses out there, why the needed tangible documents had not been developed after the Mayor and city council asked for that, and concern that council members needed to make this a council agenda item, with Mr. Souza responding.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the economic development department directed to (1) draft and complete a marketing plan for Roeding Business Park and return to Council with said plan on or before March 1, 2005; and (2) draft and complete a marketing plan for the Airport, 99 Corridor, Southern Market, and Downtown Regional Jobs Initiative target areas and return with said market plans within 60 days, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

----

**(3-E) REQUEST FOR UPDATE AND STATUS REPORT ON THE PROPOSED PUBLIC SAFETY BUILDING (COMBINED COMMUNICATIONS AND DISPATCH CENTER FOR THE CITY POLICE AND FIRE DEPARTMENTS AND THE FRESNO COUNTY SHERIFF'S DEPARTMENT) - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund gave a brief overview of the issue, General Services Director Nerland gave an overview and status report on the project as requested, and along with Public Works Director Healey and Assistant Capital Manager Woods responded to questions and/or comments of Councilmembers Westerlund, Perea and Duncan relative to whether a needs assessment was required under a design-build process, if the developer would have to conduct their own needs assessment, if the bid proposers understood what the city was looking for,

**145-46**

**2/1/05**

who was on the committee that decided a needs assessment was needed, if the design-build concept was something the city wanted to do or had to do, what Houston, Texas' model was, potential project time line, if the project has moved away from a headquarters to a complex, need to ensure all buildings are constructed at the same time, scarcity of downtown land and concern with a campus/complex versus a headquarters due to buildings being spread out, building green, and time line for another report back from staff.

By Council consensus staff to provide an update report in two weeks.

----

**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:44 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF JANUARY 11, 2005**

On motion of Councilmember Westerlund, seconded by President Dages, duly carried, RESOLVED, the Agency minutes of January 11, 2005, approved as submitted.

**AGENCY CONSENT CALENDAR:**

**("A") AWARD A CONTRACT TO GLEIM-CROWN PUMP, INC., FOR NEW PUMPING EQUIPMENT AT WATER WELL PUMP STATION #313 (AGENCY ACTION)**

Interim Executive Director Murphey gave a brief overview of the issue as contained in the staff report as submitted and recommended the contract be awarded.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, a contract in the amount of \$37,821.80 hereby awarded to Gleim-Crown Pump Inc., for new pumping equipment at water well Pump Station 313, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
 Noes : None  
 Absent : None

**("B") AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION, INC., FOR WATER WELL SITE IMPROVEMENTS AT**

**PUMP STATION #313 (AGENCY ACTION)**

Interim Executive Director Murphey gave a brief overview of the issue as contained in the staff report as submitted and recommended the contract be awarded.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, a contract in the amount of \$153,040 hereby awarded to Steve Dovali Construction, Inc., for water well improvements at Pump Station 313, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
 Noes : None  
 Absent : None

**AGENCY GENERAL ADMINISTRATION:**

("A") DIRECT STAFF TO PREPARE NECESSARY DOCUMENTS TO CONTRACT WITH ALLIANCE RESOURCE CONSULTING TO CONDUCT A SEARCH FOR THE VACANT EXECUTIVE DIRECTOR POSITION - RDA COMMITTEE (AGENCY ACTION)

**-and-**

("B") SET THE SALARY RANGE FOR THE AGENCY EXECUTIVE DIRECTOR - RDA COMMITTEE (AGENCY ACTION)

Councilmember Duncan apologized for lack of written back-up information and requested, and made a motion, to lay the matter over one week so he could provide a report on both issues, which motion was seconded by Councilmember Sterling.

**145-47**

**2/1/05**

Councilmember Calhoun spoke in strong opposition to the motion and stressed the committee had been dealing with these issues for months and there was no reason to delay and elaborated. Councilmember Sterling pointed out members complain when there is no written material and noted nothing written was before council and the matter should be delayed. Councilmember Perea stated he had no problem hearing the matters at this time. Chair Boyajian stated he was surprised to see Item "A" scheduled noting there were issues related to the salary and the committee was going to deal with the salary matter before the search firm. Upon question of Councilmember Calhoun, M.A. Zieba stated the search firm selection and salary options had been discussed by the committee.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above General Administration Items "A" and ""B" laid over one week, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Boyajian  
 Noes : Calhoun, Perea  
 Absent : None

----

**ADJOURNMENT**

There being no further business to bring before the joint bodies, the hour of 5:59 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

**APPROVED** on the \_\_\_\_8th\_\_\_\_ day of February, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
 \_\_\_\_\_ ATTEST: \_\_\_\_\_/s/\_\_\_\_\_

\_\_\_\_\_  
 Mike Dages, Council President

\_\_\_\_\_  
 Yolanda Salazar, Assistant City Clerk

145-48

2/1/05